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Jc586 U.S. PTO

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Attorney Docket P1084R1C1

PATENT

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CERTIFICATION UNDER 37 CFR 1.10

EL 141 796 666 US: Express Mail Number

January 11, 2000: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

*Pamela Gavette*  
Pamela Gavette

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Jc678 U.S. PTO  
09/480977  
01/11/00

**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Paul J. Godowski, Burlingame, California  
Melanie Rose Mark Burlingame, California  
Dong Xiao Zhang Burlingame, California

Title: **ErbB4 RECEPTOR-SPECIFIC NEUREGULIN RELATED LIGANDS AND USES THEREFOR**

**1. Type of Application**

- [ ] This application is for an original, non-provisional application.
- [ ] This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.
- [X] This is a [ ] continuation-in-part [X] continuation [ ] divisional application claiming priority to application Serial Number 08/899,437, filed 24 July 1997, the entire disclosure of which is hereby incorporated by reference.

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional )**

86 pages of specification  
5 pages of claims  
1 page(s) of abstract  
8 sheet(s) of drawings  
[x] formal [ ] informal

0946097 "01.1.00

## 3. Declaration or Oath

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*

☐ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*

☒ A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*

☐ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

## 4. Assignment

*(for new and CIP applications)*

☐ An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☐ will follow.

*(for cont./div.)*

☒ The prior application is assigned of record to Genentech, Inc.

## 5. Amendments (for continuation and divisional applications)

☒ Cancel in this application original claims 2, 3, 5-38 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

## Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

☒ Amend the specification by inserting before the first line the sentence:

--This is a

☐ non-provisional application

☒ continuation

☐ divisional

☐ continuation-in-part

of co-pending application(s)

☒ Serial No. 08/899,437 filed on July 24, 1997, which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120. --

0346037 01100

A1

\_\_\_\_\_ provisional application No. \_ filed \_\_, the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.—.

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$690.00
Total Claims	2	- 20 =	0	X \$18.00	\$0.00
Independent Claims	1	- 3 =	0	X \$78.00	\$0.00
— Multiple dependent claim(s), if any				+ \$260.00	\$0.00
<b>Filing Fee Calculation</b>					<b>\$690.00</b>

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$690.00. **A duplicate copy of this transmittal is enclosed.**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations

☐ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.

☐ A new Power of Attorney or authorization of agent.

☐ Other:

***[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]***

\_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until \_\_\_\_\_

\_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

**11. Correspondence Address:**

X Address all future communications to:

GENENTECH, INC.  
Attn: Deirdre L. Conley, Ph.D.  
1 DNA Way  
South San Francisco, CA 94080-4990  
(650) 225-2066

Respectfully submitted,  
GENENTECH, INC.

Date: January 10, 2000

By: Deirdre L. Conley  
Deirdre L. Conley, Ph.D.  
Reg. No. 36,487

1 DNA Way  
So. San Francisco, CA 94080-4990  
Phone: (650) 225-2066  
Fax: (650) 952-9881



AMERICAN TYPE CULTURE COLLECTION  
12301 Parklawn Drive  
Rockville, Maryland 20852 USA

Telephone: 301/231-5519  
FAX: 301/816-4366

Jc678 U.S. PTO  
09/480977  
01/11/00

FACSIMILE

Date: October 7, 1997  
To: Delirdre L. Conley  
Genentech, Inc.  
Fax Number: 1-650-952-9881

Total number of pages including this page: One (1)

From: ATCC Patent Depository

Reference: Patent Deposit on behalf of Genentech, Inc. (Ref. Docket No. PR1091)

pRK5B-based plasmid DNA27865-1091 (Ref. Docket No. PR1091) assigned ATCC 209296, and

Plasmid pRK5.tk.neo.hNRG3B2 (Ref. Docket No. P1084rl and PR1084) assigned ATCC 209297.

Date of deposit September 23, 1997. Paperwork will be forwarded to you in a few days.

An invoice will be sent under separate cover as follows:

One time fee - 30 years	\$ 1,200.00
Informing of Requesters	720.00
Viability Test	<u>300.00</u>

Total amount due to ATCC 209296-209297 \$ 2,220.00

*Barbara M. Hailey*

Barbara M. Hailey, Administrator, ATCC Patent Depository  
Telephone: 301/231-5519

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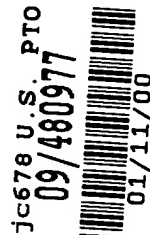
FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/899,437	07/24/97	1642	\$1,296.00	P1084R1	8	38	2

GENETECH INC  
1 DNA WAY  
SOUTH SAN FRANCISCO CA 94080-4900



Receipt is acknowledged of this patent application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s) PAUL J. GODOWSKI, BURLINGAME, CA; MELANIE ROSE MARK,  
BURLINGAME, CA; DONG XIAO ZHANG, BURLINGAME, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-  
PROVISIONAL APPLICATION NO. 60/052,019 07/09/97

FOREIGN FILING LICENSE GRANTED 10/31/97

TITLE

ERBB4 RECEPTOR-SPECIFIC NEUREGULIN RELATED LIGANDS AND USES THEREFOR

PRELIMINARY CLASS: 435

RECEIVED

MAY 20 1998

GENENTECH, INC. LEGAL DEPT.



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 908-768 ATCCROVE • FAX: 301-816-4366

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2



To: (Name and Address of Depositor or Attorney)

Genentech, Inc.  
Attn: Sean A. Johnston  
1 DNA Way  
So. San Francisco, CA 94080

**RECEIVED**  
**AUG 06 1997**  
GENENTECH, INC.  
LEGAL DEPT.

Deposited on Behalf of: Genentech, Inc. (Ref. Docket P1084)

Identification Reference by Depositor:

ATCC Designation

Plasmid pRK5.tk.neo.hNRG3B2  
Plasmid pLXSN.mNRG3  
Plasmid pRK5.tk.neo.hNRG3B1

209155  
209156  
209157

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposits were received July 22, 1997 by this International Depository Authority and have been accepted.

#### AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested July 30, 1997. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: July 30, 1997

cc: Dirdre L. Conley



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH • FAX: 301-770-2587

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

Jc678 U.S. PTO  
09/480977  
01/11/00

**To: (Name and Address of Depositor or Attorney)**

Genentech, Inc.  
Attn: Janet E. Hasak  
1 DNA Way  
So. San Francisco, CA 94080-4990

**Deposited on Behalf of:** Genentech, Inc.

**Identification Reference by Depositor:**

**ATCC Designation**

pRK5B-based plasmid DNA27865-1091 (Ref. Docket No. PR1091)	209296
Plasmid pRK5.tk.neo.hNRG3B2 (Ref. Docket No. P1084rl and PR1084)	209297

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

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If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested October 6, 1997. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: October 6, 1997

cc: Deirdre L. Conl y